

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA :

- v. - :

SEALED SUPERSEDING
INDICTMENT

GARY DAVIS, : S2 17 Cr. 610 (LGS)

a/k/a "Reckless," :

a/k/a "Poppa," and :

KAREEM DAVIS, :

Defendants. :

- - - - - X

COUNT ONE
(Racketeering Conspiracy)

The Grand Jury charges:

1. At all times relevant to this Indictment, GARY DAVIS, a/k/a "Reckless," a/k/a "Poppa," and KAREEM DAVIS, the defendants, and others known and unknown, were members and associates of "Killbrook" ("Killbrook" or the "Enterprise"), a criminal organization whose members and associates engaged in, among other things, acts involving murder, shootings, robbery, and narcotics trafficking. Killbrook operated principally in the vicinity of the housing development known as the Mill Brook Houses in the Bronx, New York.

2. Killbrook, including its leadership, its membership, and its associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is,

a group of individuals associated in fact, although not a legal entity. The Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise. At all times relevant to this Indictment, the Enterprise was engaged in, and its activities affected, interstate and foreign commerce. GARY DAVIS, a/k/a "Reckless," a/k/a "Poppa," and KAREEM DAVIS, the defendants, participated in the operation of the Enterprise, and participated in unlawful and other activities in furtherance of the conduct of the Enterprise's affairs.

PURPOSES OF THE ENTERPRISE

3. The purposes of the Enterprise included the following:

a. Enriching the members and associates of the Enterprise through, among other things, robbery and the distribution of narcotics, including marijuana and cocaine base in a form commonly known as "crack."

b. Preserving and protecting the power of the Enterprise and its members and associates through acts involving murder, other acts of violence and threats of violence.

c. Promoting and enhancing the Enterprise and the activities of its members and associates.

MEANS AND METHODS OF THE ENTERPRISE

4. Among the means and methods employed by the members

and associates in conducting and participating in the conduct of the affairs of the Enterprise were the following:

a. Members and associates of the Enterprise committed, conspired to commit, and attempted to commit, acts of violence, including murder, to protect and expand the Enterprise's criminal operations, and in connection with rivalries with members of other street gangs.

b. Members and associates of the Enterprise used physical violence and threats of violence, including murder and attempted murder, against various people, including in particular rival gang members.

c. Members and associates of the Enterprise planned and committed robberies of individuals in and around the Bronx and New York, New York.

d. Members and associates of the Enterprise sold narcotics, including marijuana and cocaine base in a form commonly known as "crack."

THE RACKETEERING CONSPIRACY

5. From approximately in or about 2007, up to and including in or about October 2017, in the Southern District of New York and elsewhere, GARY DAVIS, a/k/a "Reckless," a/k/a "Poppa," and KAREEM DAVIS, the defendants, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in Paragraphs 1 through 4 above,

namely, Killbrook, which enterprise was engaged in, and the activities of which affected, interstate and foreign commerce, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to violate the racketeering laws of the United States, to wit, Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of Killbrook through a pattern of racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisting of multiple:

a. acts involving murder, chargeable under the following provisions of state law: New York Penal Law, Sections 125.25 (murder), 105.15 (conspiracy to commit murder), 110.00 (attempted murder), and 20.00 (aiding and abetting);

b. acts involving robbery, chargeable under the following provisions of state law: New York Penal Law, Sections 160.00, 160.05, 160.10, 160.15 (robbery), 105.05, 105.10 (conspiracy to commit robbery), 110.00 (attempted robbery), and 20.00 (aiding and abetting); and

c. offenses involving the distribution of controlled substances, including marijuana and cocaine base in a form commonly known as "crack," in violation of the laws of the United States, namely Title 21, United States Code, Sections 812, 841(a)(1), and 846.

6. It was a part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering in the conduct of the affairs of the Enterprise.

NOTICE OF SPECIAL SENTENCING FACTOR

7. On or about April 18, 2011, in the Southern District of New York, GARY DAVIS, a/k/a "Reckless," a/k/a "Poppa," and KAREEM DAVIS, the defendant, and others known and unknown, knowingly murdered and aided and abetted the murder of Bolivia Beck in the vicinity of the Mill Brook Houses in the Bronx, New York, in violation of New York Penal Law, Sections 125.25, 125.27, and 20.00, in that, with intent to cause the death of another person, GARY DAVIS and KAREEM DAVIS caused the death of Bolivia Beck, and under circumstances evincing a depraved indifference to human life, GARY DAVIS and KAREEM DAVIS recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Bolivia Beck.

(Title 18, United States Code, Section 1962(d).)

COUNT TWO
(Murder in Aid of Racketeering)

The Grand Jury further charges:

8. At all times relevant to this Indictment, Killbrook, as described in paragraphs 1 through 4 of Count One of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership,

members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals engaged in, and the activities of which affected, interstate and foreign commerce. The Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

9. At all times relevant to this Indictment, Killbrook, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), namely acts involving murder and robbery, in violation of New York Penal Law, and narcotics trafficking, in violation of Title 21, United States Code, Sections 812, 841, and 846.

10. On or about April 18, 2011, in the Southern District of New York, GARY DAVIS, a/k/a "Reckless," a/k/a "Poppa," and KAREEM DAVIS, the defendants, and others known and unknown, for the purpose of gaining entrance to and maintaining and increasing position in Killbrook, an enterprise engaged in racketeering activity, as described above, knowingly murdered and aided and abetted the murder of Bolivia Beck in the vicinity of the Mill Brook Houses, in violation of New York Penal Law, Sections 125.25, 125.27, and 20.00, in that, (i) with intent to cause the death of another person, GARY DAVIS and KAREEM DAVIS

caused the death of Bolivia Beck; and (ii) under circumstances evincing a depraved indifference to human life, GARY DAVIS and KAREEM DAVIS recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Beck, and aided and abetted the same.

(Title 18, United States Code, Sections 1959(a)(1) and 2.)

COUNT THREE

(Use of a Firearm for the Murder of Bolivia Beck)

The Grand Jury further charges:

11. On or about April 18, 2011, in the Southern District of New York, GARY DAVIS, a/k/a "Reckless," a/k/a "Poppa," and KAREEM DAVIS, the defendants, and others known and unknown, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the murder in aid of racketeering charged in Count Two of this Indictment, willfully and knowingly did use and carry a firearm, and, in furtherance of such crime of violence, did possess a firearm, and in the course of that crime of violence did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), and did aid and abet the same, to wit, GARY DAVIS and KAREEM DAVIS shot and killed Bolivia Beck, and aided and abetted the shooting and killing of Bolivia Beck, in the vicinity of the Mill Brook Houses in the Bronx.

(Title 18, United States Code, Sections 924(j)(1) and 2.)

SPECIAL FINDINGS AS TO KAREEM DAVIS

12. Counts Two and Three of the Indictment are realleged and incorporated by reference as though fully set forth herein. As to Counts Two and Three of the Indictment, alleging the murder of Bolivia Beck, KAREEM DAVIS, the defendant:

a. was 18 years of age or older at the time of the offenses;

b. intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offenses, and Bolivia Beck died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)); and

c. in the commission of the offenses, knowingly created a grave risk of death to one and more persons in addition to the victim of the offenses (Title 18, United States Code, Section 3592(c)(5)).

FORFEITURE ALLEGATION AS TO COUNT ONE

13. As a result of committing the offense alleged in Count One of this Indictment, GARY DAVIS, a/k/a "Reckless," a/k/a "Poppa," and KAREEM DAVIS, the defendants, shall forfeit to the

United States, pursuant to Title 18, United States Code, Section 1963:

a. any interest acquired or maintained as a result of the offense alleged in Count One;

b. any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise established, operated, controlled, conducted, or participated in the conduct of as a result of the offense alleged in Count One; and

c. any property constituting, or derived from, any proceeds obtained, directly or indirectly, from the racketeering activity alleged in Count One.

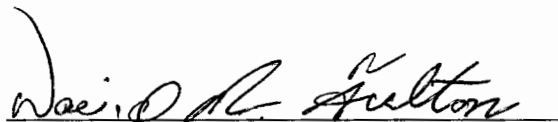
Substitute Assets Provision

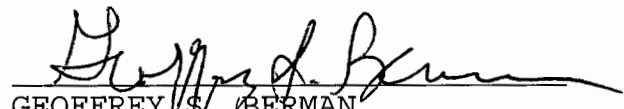
14. If any of the above-described forfeitable property, as a result of any act or omission of GARY DAVIS, a/k/a "Reckless," a/k/a "Poppa," and KAREEM DAVIS, the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which

cannot be subdivided without difficulty,
it is the intent of the United States, pursuant to 18 U.S.C. §
1963(m), 21 U.S.C § 853(p), and 28 U.S.C. § 2461 to seek forfeiture
of any other property of the defendant up to the value of the above
forfeitable property.

(Title 18, United States Code, Section 1963;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


GEOFFREY S. BERMAN
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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a/k/a "Poppa," and KAREEM DAVIS,
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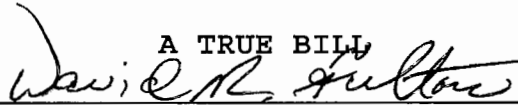
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(18 U.S.C. §§ 924(j), 1959(a)(1), 1962,
and 2.)

GEOFFREY S. BERMAN
United States Attorney.

A TRUE BILL


Foreperson.

Dec 17, 2018

Filed Second Superseding Indictment

U.S.M.J. Debra Freeman